

AMENDED IN SENATE APRIL 22, 2003

SENATE BILL

No. 907

Introduced by Senator Burton

February 21, 2003

An act to amend Sections 101, 144, 146, and 149 of, and to add and repeal Chapter 8.2 (commencing with Section 3610) of Division 2 of, the Business and Professions Code, relating to the healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 907, as amended, Burton. Healing arts: naturopathic physicians.

Existing law establishes boards and bureaus within the Department of Consumer Affairs that are responsible for licensing and regulating persons practicing various healing arts disciplines.

This bill would establish, until July 1, 2009, the Naturopathic Physicians Act, to be administered by the Bureau of Naturopathic Medicine created within the Department of Consumer Affairs. The bill would specify various standards for the licensure and regulation of naturopathic medicine that the bureau would enforce. The bill would establish the Naturopathic Physicians' Fund, and would require fees collected by the bureau to be credited to the fund. The bill would specify that the money would be available, upon appropriation by the Legislature, to defray the bureau's expenses and to administer the act. The bill would make additional related changes. Because the bill would make the violation of certain of its provisions a crime punishable as a misdemeanor, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 101 of the Business and Professions
- 2 Code is amended to read:
- 3 101. The department is comprised of:
- 4 (a) The Dental Board of California.
- 5 (b) The Medical Board of California.
- 6 (c) The State Board of Optometry.
- 7 (d) The California State Board of Pharmacy.
- 8 (e) The Veterinary Medical Board.
- 9 (f) The California Board of Accountancy.
- 10 (g) The California Architects Board.
- 11 (h) The Bureau of Barbering and Cosmetology.
- 12 (i) The Board for Professional Engineers and Land Surveyors.
- 13 (j) The Contractors' State License Board.
- 14 (k) The Bureau for Private Postsecondary and Vocational
- 15 Education.
- 16 (l) The Structural Pest Control Board.
- 17 (m) The Bureau of Home Furnishings and Thermal Insulation.
- 18 (n) The Board of Registered Nursing.
- 19 (o) The Board of Behavioral Sciences.
- 20 (p) The State Athletic Commission.
- 21 (q) The Cemetery and Funeral Bureau.
- 22 (r) The State Board of Guide Dogs for the Blind.
- 23 (s) The Bureau of Security and Investigative Services.
- 24 (t) The Court Reporters Board of California.
- 25 (u) The Board of Vocational Nursing and Psychiatric
- 26 Technicians.
- 27 (v) The Landscape Architects Technical Committee.
- 28 (w) The Bureau of Electronic and Appliance Repair.
- 29 (x) The Division of Investigation.
- 30 (y) The Bureau of Automotive Repair.



(z) The State Board of Registration for Geologists and Geophysicists.

(aa) The Respiratory Care Board of California.

(ab) The Acupuncture Board.

(ac) The Board of Psychology.

(ad) The California Board of Podiatric Medicine.

(ae) The Physical Therapy Board of California.

(af) The Arbitration Review Program.

(ag) The Committee on Dental Auxiliaries.

(ah) The Hearing Aid Dispensers Bureau.

(ai) The Physician Assistant Committee.

(aj) The Speech-Language Pathology and Audiology Board.

(ak) The California Board of Occupational Therapy.

(al) The Osteopathic Medical Board of California.

(am) The Bureau of Naturopathic Medicine.

(an) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 2. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following boards or committees:

(1) California Board of Accountancy.

(2) State Athletic Commission.

(3) Board of Behavioral Sciences.

(4) Court Reporters Board of California.

(5) State Board of Guide Dogs for the Blind.

(6) California State Board of Pharmacy.

(7) Board of Registered Nursing.

(8) Veterinary Medical Board.

(9) Registered Veterinary Technician Committee.

(10) Board of Vocational Nursing and Psychiatric Technicians.

(11) Respiratory Care Board of California.

(12) Hearing Aid Dispensers Advisory Commission.

- 1 (13) Physical Therapy Board of California.
- 2 (14) Physician Assistant Committee of the Medical Board of
- 3 California.
- 4 (15) Speech-Language Pathology and Audiology Board.
- 5 (16) Medical Board of California.
- 6 (17) State Board of Optometry.
- 7 (18) Acupuncture Board.
- 8 (19) Cemetery and Funeral Bureau.
- 9 (20) Bureau of Security and Investigative Services.
- 10 (21) Division of Investigation.
- 11 (22) Board of Psychology.
- 12 (23) The California Board of Occupational Therapy.
- 13 (24) The Bureau of Naturopathic Medicine.
- 14 SEC. 3. Section 146 of the Business and Professions Code is
- 15 amended to read:
- 16 146. (a) Notwithstanding any other provision of law, a
- 17 violation of any code section listed in subdivision (c) or (d) is an
- 18 infraction subject to the procedures described in Sections 19.6 and
- 19 19.7 of the Penal Code when:
- 20 (1) A complaint or a written notice to appear in court pursuant
- 21 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part
- 22 2 of the Penal Code is filed in court charging the offense as an
- 23 infraction unless the defendant, at the time he or she is arraigned,
- 24 after being advised of his or her rights, elects to have the case
- 25 proceed as a misdemeanor, or
- 26 (2) The court, with the consent of the defendant and the
- 27 prosecution, determines that the offense is an infraction in which
- 28 event the case shall proceed as if the defendant has been arraigned
- 29 on an infraction complaint.
- 30 (b) Subdivision (a) does not apply to a violation of the code
- 31 sections listed in subdivisions (c) and (d) if the defendant has had
- 32 his or her license, registration, or certificate previously revoked or
- 33 suspended.
- 34 (c) The following sections require registration, licensure,
- 35 certification, or other authorization in order to engage in certain
- 36 businesses or professions regulated by this code:
- 37 (1) Sections 2052 and 2054.
- 38 (2) Section 2630.
- 39 (3) Section 2903.
- 40 (4) Section 3660.



- 1 (5) Sections 3760 and 3761.
- 2 (6) Section 4080.
- 3 (7) Section 4825.
- 4 (8) Section 4935.
- 5 (9) Section 4980.
- 6 (10) Section 4996.
- 7 (11) Section 5536.
- 8 (12) Section 6704.
- 9 (13) Section 6980.10.
- 10 (14) Section 7317.
- 11 (15) Section 7502 or 7592.
- 12 (16) Section 7520.
- 13 (17) Section 7617 or 7641.
- 14 (18) Subdivision (a) of Section 7872.
- 15 (19) Section 8016.
- 16 (20) Section 8505.
- 17 (21) Section 8725.
- 18 (22) Section 9681.
- 19 (23) Section 9840.
- 20 (24) Subdivision (c) of Section 9891.24.
- 21 (25) Section 19049.
- 22 (d) Institutions that are required to register with the Bureau for
- 23 Private Postsecondary and Vocational Education pursuant to
- 24 Section 94931 of the Education Code.
- 25 (e) Notwithstanding any other provision of law, a violation of
- 26 any of the sections listed in subdivision (c) or (d), which is an
- 27 infraction, is punishable by a fine of not less than two hundred fifty
- 28 dollars (\$250) and not more than one thousand dollars (\$1,000).
- 29 No portion of the minimum fine may be suspended by the court
- 30 unless as a condition of that suspension the defendant is required
- 31 to submit proof of a current valid license, registration, or
- 32 certificate for the profession or vocation which was the basis for
- 33 his or her conviction.
- 34 SEC. 4. Section 149 of the Business and Professions Code is
- 35 amended to read:
- 36 149. (a) If, upon investigation, an agency designated in
- 37 subdivision (e) has probable cause to believe that a person is
- 38 advertising in a telephone directory with respect to the offering or
- 39 performance of services, without being properly licensed by or
- 40 registered with the agency to offer or perform those services, the

1 agency may issue a citation under Section 148 containing an order
2 of correction that requires the violator to do both of the following:

3 (1) Cease the unlawful advertising.

4 (2) Notify the telephone company furnishing services to the
5 violator to disconnect the telephone service furnished to any
6 telephone number contained in the unlawful advertising.

7 (b) This action is stayed if the person to whom a citation is
8 issued under subdivision (a) notifies the agency in writing that he
9 or she intends to contest the citation. The agency shall afford an
10 opportunity for a hearing, as specified in Section 125.9.

11 (c) If the person to whom a citation and order of correction is
12 issued under subdivision (a) fails to comply with the order of
13 correction after that order is final, the agency shall inform the
14 Public Utilities Commission of the violation and the Public
15 Utilities Commission shall require the telephone corporation
16 furnishing services to that person to disconnect the telephone
17 service furnished to any telephone number contained in the
18 unlawful advertising.

19 (d) The good faith compliance by a telephone corporation with
20 an order of the Public Utilities Commission to terminate service
21 issued pursuant to this section shall constitute a complete defense
22 to any civil or criminal action brought against the telephone
23 corporation arising from the termination of service.

24 (e) Subdivision (a) shall apply to the following boards,
25 bureaus, committees, commissions, or programs:

26 (1) The Bureau of Barbering and Cosmetology.

27 (2) The Funeral Directors and Embalmers Program.

28 (3) The Veterinary Medical Board.

29 (4) The Hearing Aid Dispensers Advisory Commission.

30 (5) The Landscape Architects Technical Committee.

31 (6) The California Board of Podiatric Medicine.

32 (7) The Respiratory Care Board of California.

33 (8) The Bureau of Home Furnishings and Thermal Insulation.

34 (9) The Bureau of Security and Investigative Services.

35 (10) The Bureau of Electronic and Appliance Repair.

36 (11) The Bureau of Automotive Repair.

37 (12) The Tax Preparers Program.

38 (13) The California Architects Board.

39 (14) The Speech-Language Pathology and Audiology Board.

(15) The Board for Professional Engineers and Land Surveyors.

(16) The Board of Behavioral Sciences.

(17) The State Board for Geologists and Geophysicists.

(18) The Structural Pest Control Board.

(19) The Acupuncture Board.

(20) The Board of Psychology.

(21) The California Board of Accountancy.

(22) The Bureau of Naturopathic Medicine.

SEC. 5. Chapter 8.2 (commencing with Section 3610) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 8.2. NATUROPATHIC PHYSICIANS ACT

Article 1. General Provisions

3610. This chapter may be cited as the Naturopathic Physicians Act.

3612. The Bureau of Naturopathic Medicine is hereby created within the Department of Consumer Affairs.

3613. The following definitions apply for the purposes of this chapter:

(a) “Bureau” means the Bureau of Naturopathic Medicine within the Department of Consumer Affairs.

(b) “Formulary” means the nonlegend, legend, or prescription substances that a naturopathic physician may use in the practice of his or her profession, as authorized by the bureau.

(c) “Naturopathic childbirth attendance” means the specialty practice of natural childbirth by a naturopathic physician that includes the management of normal pregnancy, normal labor and delivery, and the normal postpartum period, including normal newborn care.

(d) “Naturopathic medicine” means a distinct and comprehensive system of primary health care practiced by a naturopathic physician for the diagnosis, treatment, and prevention of human health conditions, injuries, and disease that employs natural therapies, therapeutic substances, and education to promote and restore health by supporting and stimulating the individual’s self-healing processes.

(e) “Naturopathic physician” and “naturopathic doctor” mean a person who holds an active license issued pursuant to this chapter. A naturopathic physician may use naturopathy as well as naturopathic medicine.

(f) “Naturopathy” means a philosophy of healing that employs natural methods that may be used by naturopathic physicians and other persons not licensed under this chapter.

(g) “Minor office procedures” means methods for the repair and care incidental to superficial lacerations and abrasions, superficial lesions, and the removal of foreign bodies located in the superficial tissues, except specialized surgeries such as plastic surgery, surgery involving the eye, or surgery of the body cavities.

3615. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application.

Article 2. Administration

3620. The bureau shall enforce and administer the provisions of this chapter.

3622. The bureau shall adopt regulations in order to carry out the purposes of this chapter.

3623. (a) The bureau shall approve a naturopathic medical education program accredited by the Council on Naturopathic Medical Education that has the following minimum requirements:

(1) Admission requirements that include a minimum of three-quarters of the credits required for a bachelor’s degree from a regionally accredited or preaccredited college or university or the equivalency, as determined by the council.

(2) Program requirements for its degree or diploma of a minimum of 4,100 total hours in basic and clinical sciences, naturopathic philosophy, naturopathic modalities, and naturopathic medicine. Of the total requisite hours, not less than 2,500 hours shall consist of academic instruction, and not less than 1,200 hours shall consist of supervised clinical training approved by the naturopathic medical school.

(b) A naturopathic medical education program in the United States shall offer graduate-level full-time studies and training

1 leading to the degree of Doctor of Naturopathy or Doctor of
2 Naturopathic Medicine. The program shall be an institution, or
3 part of an institution of, higher education that is either accredited
4 or is a candidate for accreditation by a regional institutional
5 accrediting agency recognized by the United States Secretary of
6 Education and the Council of ~~on~~ Naturopathic Medical Education,
7 or an equivalent federally recognized accrediting body for
8 naturopathic physician education.

9 (c) To qualify as an approved naturopathic medical school, a
10 naturopathic medical program located in Canada or the United
11 States shall offer a full-time, doctoral-level, naturopathic medical
12 education program with its graduates being eligible to apply to the
13 bureau for licensure and to the North American Board of
14 Naturopathic Examiners that administers the naturopathic
15 licensing examination.

16 3625. (a) The Director of Consumer Affairs shall establish an
17 advisory council. Members of the advisory council shall include
18 three members who are California licensed naturopathic
19 physicians, or have met the requirements for licensure pursuant to
20 this chapter, and four public members.

21 3626. The Director of Consumer Affairs may employ a
22 bureau chief and other officers and employees as necessary to
23 discharge the duties of the bureau.

24 25 Article 3. Licensure 26

27 3630. An applicant for a license as a naturopathic physician
28 shall file with the bureau a written application on a form provided
29 by the bureau, that shows, to the bureau's satisfaction, compliance
30 with all of the following requirements:

31 (a) The applicant has not committed an act or crime that
32 constitutes grounds for denial of a license under Section 480, and
33 has complied with the requirements of Section 144.

34 (b) The applicant has received a degree in naturopathic
35 medicine from an approved naturopathic medical school where the
36 degree substantially meets the educational requirements in
37 paragraph (2) of subdivision (a) of Section 3623.

38 3631. An applicant for licensure shall pass the Naturopathic
39 Physicians Licensing Examination (NPLEX) or an equivalent
40 approved by the North American Board of Naturopathic

1 Examiners. In the absence of an examination approved by the
2 North American Board of Naturopathic Examiners, the bureau
3 may administer a substantially equivalent examination.

4 3633. The bureau may grant a license to an applicant who is
5 licensed and in good standing as a naturopathic physician in
6 another state, jurisdiction, or territory in the United States,
7 provided the applicant has met the requirements of Sections 3630
8 and 3631.

9 3633.1. The bureau may grant a license to an applicant who
10 meets the requirements of Section 3630, but who graduated prior
11 to 1986, pre-NPLEX, and passed a state naturopathic licensing
12 examination. Applications under this section shall be received no
13 later than December 31, 2007.

14 3633.2. The bureau may grant a provisional license to an
15 applicant who meets the requirements of Section 3630, but who
16 has not passed NPLEX or a state naturopathic licensing
17 examination. ~~Upon passing NPLEX, the applicant may be granted~~
18 ~~a provisional license.~~ A provisional license will be valid for two
19 years, during which time the applicant *shall pass the NPLEX or*
20 *another competency examination as approved by the bureau and*
21 *shall practice under the direct supervision of a naturopathic*
22 *physician licensed pursuant to this chapter.* An applicant who
23 holds a provisional license may be granted full licensure upon
24 completion of his or her provisional period.

25 3634. A license issued under this chapter shall be subject to
26 renewal biennially as prescribed by the bureau and shall expire
27 unless renewed in that manner. The bureau may provide by
28 regulation for the late renewal of a license.

29 3635. (a) In addition to any other qualifications and
30 requirements for licensure renewal, the bureau shall require the
31 satisfactory completion of 60 hours of approved continuing
32 education biennially. This requirement is waived for the initial
33 license renewal. The continuing education shall meet the
34 following requirements:

35 (1) At least 20 hours shall be in pharmacotherapeutics.

36 (2) No more than 15 hours may be in naturopathic or medical
37 journals, or audio or videotaped presentations, slides,
38 programmed instruction, or computer-assisted instruction or
39 preceptorships.

40 (3) No more than 20 hours may be in any single topic.

(4) No more than 15 hours of the continuing education requirements for the specialty certificate in naturopathic childbirth attendance shall apply to the 60 hours of continuing education requirement.

(b) The continuing education requirements of this section may be met through continuing education courses approved by the California Association of Naturopathic Physicians, the American Association of Naturopathic Physicians, the Medical Board of California, the California State Board of Pharmacy, the State Board of Chiropractic Examiners, or other courses approved by the bureau.

3636. (a) Upon a written request, the bureau may grant inactive status to a naturopathic physician who is in good standing and who meets the requirements of Section 462.

(b) A person whose license is in inactive status may not engage in any activity for which a license is required under this chapter.

(c) A person whose license is in inactive status shall be exempt from continuing education requirements while his or her license is in that status.

(d) To restore a license to active status, a person whose license is in inactive status must fulfill continuing education requirements for the two-year period prior to reactivation, and pay a reactivation fee established by the bureau.

3637. Only an individual may be licensed under this chapter.

Article 4. Application of Chapter

3640. (a) A naturopathic physician may order and perform physical and laboratory examinations for diagnostic purposes, including, but not limited to, phlebotomy, clinical laboratory tests, speculum examinations, orificial examinations, and physiological function tests.

(b) A naturopathic physician may order diagnostic imaging studies, *including X-ray, ultrasound, mammogram, bone densitometry, and others*, consistent with naturopathic training *as determined by the bureau*, but shall refer the studies to an appropriately licensed health care professional to conduct *the study* and interpret the results.

(c) A naturopathic physician may dispense, administer, and prescribe or perform the following:

(1) Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and their extracts, *botanical medicines*, homeopathic medicines, all dietary supplements and nonprescription drugs as defined by the federal Food, Drug, and Cosmetic Act, and legend drugs listed in the formulary.

(2) Hot, cold, hydrotherapy, massage, naturopathic manipulation; electrical, sound, light, magnetic, and electromagnetic energy; colon hydrotherapy; and therapeutic exercise.

(3) Devices, including, but not limited to, therapeutic devices, barrier contraception, and durable medical equipment.

(4) Health education and health counseling.

(5) Repair and care incidental to superficial lacerations, abrasions, and lesions.

(6) Removal of foreign bodies located in the superficial tissues.

(d) A naturopathic physician may utilize routes of administration that include oral, nasal, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, and intramuscular.

~~(e) (1) The bureau may authorize a licensee to prescribe legend drugs and controlled substances consistent with naturopathic medical education, training, and scope of practice;~~

(e) (1) The bureau shall establish a subcommittee of the advisory council to determine a naturopathic formulary based upon a review of naturopathic medical education and training. Consistent with the findings of the subcommittee, the bureau may authorize a licensee to prescribe legend drugs and controlled substances except for the following:

(A) Intravenous medications, except vitamins, minerals, and drugs used in emergency resuscitation and stabilization.

(B) Schedule I or II controlled substances.

(C) Cancer chemotherapeutics.

(D) Antipsychotics.

~~(2) The bureau may establish a subcommittee of the advisory council to make recommendations to the bureau regarding scope of prescriptive authority.~~ The subcommittee members shall include licensed naturopathic physicians, pharmacists, and medical doctors.

3641. (a) A naturopathic physician shall document his or her observations, diagnosis, and summary of treatment in the patient

1 record. Patient records shall be maintained for a period of not less
2 than seven years following the discharge of the patient. The
3 records of an unemancipated minor shall be maintained until at
4 least one year after the minor has reached 18 years of age or seven
5 years following the discharge of the minor, whichever is longer.

6 (b) A naturopathic physician shall have the same authority and
7 responsibility as a licensed physician and surgeon with regard to
8 public health laws, reportable diseases and conditions,
9 communicable disease control and prevention, recording vital
10 statistics, and performing health and physical examinations,
11 including, but not limited to, the requirements imposed on a
12 physician and surgeon pursuant to Sections 102425 and 120250 of
13 the Health and Safety Code.

14 3642. A naturopathic physician may not perform any of the
15 following functions:

16 (a) Prescribe, dispense, or administer a controlled substance or
17 device identified in Sections 801 to 971, inclusive, of Title 21 of
18 the United States Code, except as authorized by this chapter.

19 (b) Administer therapeutic ionizing radiation or radioactive
20 substances.

21 (c) Practice or claim to practice any other system or method of
22 treatment not authorized in this chapter, unless otherwise licensed
23 to do so by the state.

24 (d) Administer general or spinal anesthesia.

25 (e) Perform an abortion.

26 (f) Perform any surgical procedure involving tendons, nerves,
27 veins, or arteries extending beyond superficial tissue, or
28 specialized surgeries such as plastic surgery, surgery involving the
29 eye, or surgery of the body cavities.

30 3643. This chapter may not be construed to authorize a
31 naturopathic physician to practice medicine, as defined under
32 Chapter 5 (commencing with Section 2000), unless authorized in
33 this chapter.

34 3643.5. (a) This chapter may not be construed to limit the
35 practice of a person licensed, certified, or registered under any
36 other provision of law relating to the healing arts when the person
37 is engaged in his or her authorized and licensed practice.

38 (b) This chapter may not be construed to limit an activity
39 otherwise allowed by law, including an activity authorized by
40 Sections 2053.5 and 2053.6.

1 3644. This chapter may not be construed to prevent or restrict
2 the practice, services, or activities of any of the following:

3 (a) A person licensed, certified, or otherwise recognized in this
4 state by any other law or regulation if that person is engaged in the
5 profession or occupation for which he or she is licensed, certified,
6 or otherwise recognized.

7 (b) A person employed by the federal government in the
8 practice of naturopathic medicine while the person is engaged in
9 the performance of duties prescribed by laws and regulations of the
10 United States.

11 (c) A person rendering aid to a family member or in an
12 emergency, if no fee or other consideration for the service is
13 charged, received, expected, or contemplated.

14 (d) A person engaged in the sale of vitamins, foods, health
15 foods, dietary supplements, herbs, homeopathic remedies, or other
16 products of nature, the sale of which is not otherwise prohibited
17 under state or federal law. This subdivision shall not be construed
18 to authorize the person to diagnose any human disease, ailment,
19 injury, infirmity, deformity, pain, or other condition, or to prohibit
20 the provision of information that is truthful and not misleading
21 regarding the products described in this subdivision.

22 (e) A person engaged in good faith in the practice of the
23 religious tenets of any church or religious belief without using
24 prescription drugs.

25 (f) A person acting in good faith for religious reasons as a
26 matter of conscience or based on a personal belief, while obtaining
27 or providing information regarding health care and the use of any
28 product described in subdivision (d).

29 (g) A person who provides the following recommendations
30 regarding the human body and its function:

31 (1) Nonlegend or nonprescription products.

32 (2) Natural elements such as air, heat, water, and light.

33 (3) Class I or class II nonprescription, approved medical
34 devices, as defined in Section 360c of Title 21 of the United States
35 Code.

36 (4) Vitamins, minerals, herbs, homeopathics, natural food
37 products and their extracts, and nutritional supplements.

38 (h) A person who is licensed in another state, territory, or the
39 District of Columbia to practice naturopathic medicine if the

1 person is incidentally called into this state for consultation with a
2 naturopathic physician.

3 (i) A student enrolled in an approved naturopathic medical
4 program whose services are performed pursuant to a course of
5 instruction under the supervision of a naturopathic physician.

6
7 Article 5. Naturopathic Childbirth Attendance
8

9 3650. A naturopathic physician may perform naturopathic
10 childbirth attendance if he or she has completed additional training
11 and has been granted a certificate of specialty practice by the
12 bureau.

13 3651. In order to be certified for the specialty practice of
14 naturopathic childbirth attendance, a naturopathic physician shall
15 establish, to the bureau's satisfaction, compliance with the
16 following requirements:

17 (a) Obtain a passing grade on the North American Registry of
18 Midwives Written Examination, or an equivalent approved by the
19 bureau.

20 (b) Successfully complete a certificate of midwifery or
21 naturopathic obstetrics specialty from an approved naturopathic
22 medical education program that includes a minimum of 200 hours
23 in the following:

24 (1) Coursework in naturopathic childbirth attendance.

25 (2) An internship or preceptorship in naturopathic childbirth
26 attendance.

27 (c) Assist in a minimum of 50 births including prenatal and
28 postnatal care under the direct supervision of a legal or licensed
29 practitioner with specialty training in obstetrics or natural
30 childbirth attendance. Twenty-five of the births shall be performed
31 under the direct supervision of a naturopathic physician.
32 Twenty-five of the births shall document the applicant as the
33 primary birth attendant.

34 (d) *Current certification in neonatal resuscitation and*
35 *cardiopulmonary resuscitation.*

36 (e) *File with the bureau a written plan for consultation with*
37 *other health care providers, emergency transfer and transport of*
38 *an infant or a maternity patient, or both, to an appropriate health*
39 *care facility, and access to neonatal intensive care units and*
40 *obstetrical units or other patient care areas. The plan shall be*

1 *submitted upon initial application and with each subsequent*
2 *renewal of the specialty certificate.*

3 3652. (a) A certificate of specialty practice in naturopathic
4 childbirth attendance shall expire concurrently with the licensee's
5 naturopathic physician's license.

6 (b) The certificate may be renewed upon submission of the
7 renewal fee set by the bureau and evidence, to the bureau's
8 satisfaction, of the completion of 30 hours of continuing education
9 credits in naturopathic childbirth, midwifery, or obstetrics. Fifteen
10 hours may be applied to the 60 hours of continuing education
11 required for naturopathic physicians.

12 (c) *Licensing or disciplinary action by the bureau or a judicial*
13 *authority shall be deemed to have an equal effect upon the*
14 *specialty certificate to practice naturopathic childbirth issued to*
15 *a licensee, unless otherwise specified in the licensing or*
16 *disciplinary action. When the subject of a licensing or disciplinary*
17 *action relates specifically to the practice of naturopathic*
18 *childbirth by a licensee holding a specialty certificate, the action*
19 *may, instead of affecting the entire scope of the licensee's practice,*
20 *suspend, revoke, condition, or restrict only the licensee's authority*
21 *under the specialty certificate.*

22 3653. (a) Naturopathic childbirth attendance does not
23 include the use or performance of any of the following:

- 24 (1) Forceps delivery.
25 (2) General or spinal anesthesia.
26 (3) Cesarean section delivery.

27 (b) Naturopathic childbirth attendance does not mean the
28 management of complications in pregnancy, labor, delivery, or the
29 neonatal period. All complications shall be referred to an
30 obstetrician or other licensed physician and surgeon as
31 appropriate.

32 3654. In addition to Section 3640, a naturopathic physician
33 who holds a specialty certificate in naturopathic childbirth
34 attendance may administer, order, or perform any of the following:

- 35 (a) Postpartum ~~oxytocics~~ *antihemorrhagic drugs.*
36 (b) ~~Ophthalmic~~ *Prophylactic ophthalmic* antibiotics.
37 (c) Vitamin K.
38 (d) RhoGAM.
39 (e) ~~Minor office procedures, including episiotomies.~~ *Local*
40 *anesthetic medications.*

1 (f) Intravenous fluids limited to lactated ringers, 5 percent
2 dextrose with lactated ringers, and heparin and 0.9 percent sodium
3 chloride for use in intravenous locks.

4 (g) Epinephrine for use in maternal anaphylaxis pending
5 emergency transport.

6 (h) Measles, Mumps, Rubella (MMR) vaccine to nonimmune,
7 nonpregnant women.

8 (i) HBIG and GBV for neonates born to hepatitis B mothers,
9 per current Centers for Disease Control guidelines.

10 (j) Antibiotics for intrapartum prophylaxis of Group B
11 Betahemolytic Streptococcus (GBBS), per current Centers For
12 Disease Control guidelines.

13 (k) Equipment incidental to the practice of naturopathic
14 childbirth, specifically, dopplers, syringes, needles, phlebotomy
15 equipment, suture, urinary catheters, intravenous equipment,
16 amnihooks, airway suction devices, neonatal and adult
17 resuscitation equipment, glucometer, and centrifuge.

18 (l) Equipment incidental to maternal care, specifically,
19 compression stockings, maternity belts, breast pumps,
20 diaphragms, and cervical caps.

21 (m) Minor office procedures, including episiotomies.

22 3655. (a) A licensee holding a speciality certificate in
23 naturopathic childbirth attendance shall disclose to each client, in
24 writing, the following:

25 (1) The qualifications and credentials of the naturopathic
26 doctor.

27 (2) A copy of the written plan for consultation, emergency
28 transfer, and transport.

29 (3) A description of the procedures, benefits, and risks of birth
30 in the home or outside of a hospital setting.

31 (4) The status of liability coverage of the licensee for the
32 practice of naturopathic childbirth attendance.

33 (b) The form must be signed by the client, filed in the client's
34 chart, and a copy given to the client.

35
36 Article 6. Offenses and Enforcement
37

38 3660. Except as provided in subdivision (h) of Section 3644,
39 a person shall have a valid, unrevoked, or unsuspended license
40 issued under this chapter to do any of the following:

1 (a) To claim to be a naturopathic physician, licensed
2 naturopathic physician, naturopathic doctor, doctor of
3 naturopathic medicine, doctor of naturopathy, or naturopathic
4 medical doctor.

5 (b) To use the professional abbreviation “N.D.” or other titles,
6 words, letters, or symbols with the intent to represent that he or she
7 practices, is authorized to practice, or is able to practice
8 naturopathic medicine as a naturopathic physician.

9 3661. A naturopathic physician who uses the term or
10 designation “Dr.” shall further identify himself or herself as
11 “Naturopathic Physician,” “Licensed Naturopathic Physician,”
12 “Naturopathic Doctor,” “Doctor of Naturopathic Medicine,” or
13 “Doctor of Naturopathy” and shall not use any term or
14 designation that would tend to indicate the practice of medicine,
15 other than naturopathic medicine, unless otherwise licensed as a
16 physician and surgeon, osteopathic doctor, or doctor of
17 chiropractic.

18 3662. It shall constitute unprofessional conduct for a
19 naturopathic physician to violate, attempt to violate, assist in the
20 violation of, or conspire to violate, any provision or term of this
21 chapter or any regulation adopted under it.

22 3663. The bureau may discipline a naturopathic physician for
23 unprofessional conduct. After a hearing conducted in accordance
24 with the Administrative Procedure Act (Chapter 5 (commencing
25 with Section 11500) of Part 1 of Division 3 of Title 2 of the
26 Government Code), the bureau may deny, suspend, revoke, or
27 place on probation the license of, or reprimand, censure, or
28 otherwise discipline a naturopathic physician in accordance with
29 Division 1.5 (commencing with Section 475).

30 3664. A person who violates Section 3660 or 3661 is guilty of
31 a misdemeanor, and upon conviction shall be punished by a fine
32 of not more than five thousand dollars (\$5,000), or by
33 imprisonment of not more than one year in a county jail, or by both
34 that fine and imprisonment.

36 Article 7. Naturopathic Corporations

37
38 3670. A naturopathic corporation is a corporation that is
39 authorized to render professional services, as defined in Section
40 13401 of the Corporations Code, if the corporation and its

shareholders, officers, directors, and employees rendering professional services who are naturopathic physicians are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this chapter, and all other statutes and regulations now or hereafter enacted or adopted pertaining to that corporation and the conduct of its affairs. With respect to a naturopathic corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the bureau.

3671. A naturopathic corporation shall not engage in any conduct that constitutes unprofessional conduct. In the conduct of its practice, the naturopathic corporation shall comply with statutes and regulations to the same extent as an individual holding a license under this chapter.

3672. The income of a naturopathic corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of the shareholder or his or her shares in the naturopathic corporation.

3673. Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a naturopathic corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined by Section 13401 of the Corporations Code.

3674. The name of a naturopathic corporation and any name or names under which it may render professional services, shall contain the words “naturopathic” or “naturopathic physician” and wording or abbreviations denoting its status as a corporation.

3675. The bureau may adopt and enforce regulations to carry out the purposes and objectives of this article, including, but not limited to, regulations requiring the following:

(a) That the bylaws of a naturopathic corporation include a provision whereby the capital stock of the corporation owned by a disqualified person, as defined in Section 13401 of the Corporations Code, or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within any time as the regulations may provide.

1 (b) That a naturopathic corporation shall provide adequate
2 security by insurance or otherwise for claims against it by its
3 patients arising out of the rendering of professional services.

4
5 Article 8. Fiscal Administration

6
7 3680. The bureau shall establish the amount of the fee
8 assessed to conduct activities of the bureau, including the amount
9 of fees for applicant licensure, licensure examination, licensure
10 renewal, late renewal, and childbirth certification.

11 3681. All fees collected by the bureau shall be paid into the
12 State Treasury and shall be credited to the Naturopathic
13 Physicians' Fund. The money in the fund shall be available upon
14 appropriation by the Legislature for expenditure by the bureau to
15 defray its expenses and to otherwise administer this chapter.

16
17 Article 9. Miscellaneous Provisions

18
19 3685. (a) This chapter shall become inoperative on July 1,
20 2009, and, as of January 1, 2010, is repealed, unless a later enacted
21 statute that is enacted before January 1, 2010, deletes or extends
22 the dates on which it becomes inoperative and is repealed. The
23 repeal of this chapter renders the bureau subject to the review
24 required by Division 1.2 (commencing with Section 473).

25 (b) The bureau shall prepare the report required by Section
26 473.2 no later than September 1, 2007.

27 SEC. 6. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.